

Exhibit 5: Marin Resource Conservation District MND Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Pre- and During Construction Monitoring, Notification, and Reporting

Pre-construction monitoring of individual projects will include, but not be limited to, surveys and/or inspections, as needed, to ensure on-site compliance with all permit requirements. The RCD/NRCS will monitor on-site compliance until implementation of practices is complete. Procedures for complying with permits and to address non-compliance with permits conditions are discussed in the Permitting Mechanisms for Individual Projects section above. The RCD/NRCS, in consultation with the U.S. Fish & Wildlife Service and/or NOAA Fisheries, will determine the expertise needed by the monitor. For some projects, a qualified individual approved by FWS and/or NOAA Fisheries shall work with the species in question.

During project construction, erosion control and sediment detention devices shall be incorporated into the project design and inspected regularly to ensure they are functioning properly. When requested by DFG or NOAA Fisheries, the RCD/NRCS shall inspect in-stream habitat and performance of sediment control devices at least once each day to ensure the devices are functioning properly.

Post-Construction Monitoring, Notification, and Reporting

As part of their Cooperator Agreement, landowners agree to monitor their projects for a period of at least 10 years. Post-construction monitoring of RCD/NRCS-sponsored conservation and restoration practices will include, but is not be limited to, inspections of access roads, animal trails and walkways, critical area planting, filter strips, fish stream improvement measures, grade stabilization structures, grassed and lined waterways, pipelines, sediment basins, springs, fencing, stream channel and streambank conditions, riparian and upland revegetation, structures for water control, underground outlets, and water, and sediment control basins to determine if the systems are still functioning as planned. All construction sites will be inspected at least twice during the first rainy season after installation. Each site will also be inspected once at the end of the rainy season for the first 5 years following construction as required by the regulatory agencies. If any agency requests a site a visit, it will be coordinated with NRCS and RCD staff or their designated representative.

Under the permit coordination program, the RCD/NRCS will provide written notification of the status of all projects to permitting agencies in the form of an annual post-construction report due January 31 of each year for the five-year duration for this program. The report will list participating landowners, describe each project purpose, area affected, natural biological enhancements, and cut/fill volumes and slope of work. It will list conservation benefits and any net gains in wetlands and riparian areas, describe actions taken to avoid adverse effects to listed species, and provide photo documentation of before and current site conditions. Photo-documentation will occur from photo points before construction and annually thereafter throughout the term of the monitoring program. Photographs will include both close-up and long-range shots.

All revegetation projects will be monitored by RCD/NRCS for a 5-year period. In addition, monitoring for projects that have obligations to monitor for a longer period will continue past 2008. In addition, vegetative practices will be monitored until vegetation is established. Annual inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil shall be conducted for 2 years following the end of project. The RCD/NRCS shall note the presence of native/non-native vegetation and extent of exposed soil, photographing the vegetation during each inspection. The RCD/NRCS shall provide the location of each project, before and after photos, areas revegetated, planting methods and plants used, and the success of the revegetation project in the Marin Coastal Watersheds Permit Coordination Program Annual Report provided to the regulatory agencies each January.